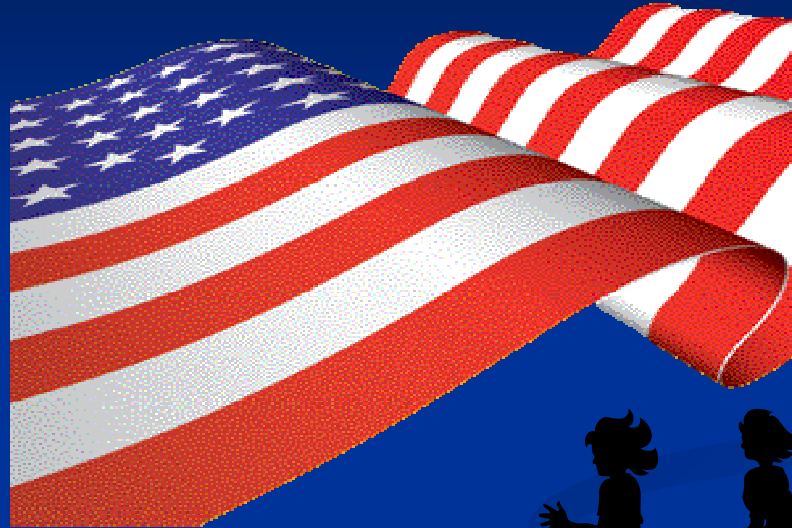


No Child Left Behind Act of 2001

Purpose



Enacted

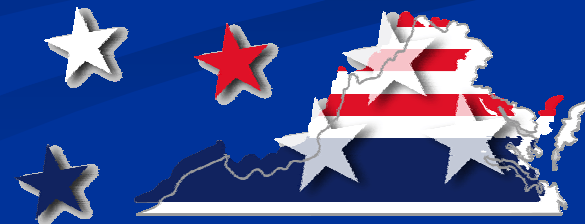


“to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind”

Today's Discussion

Part I

- No Child Left Behind and Virginia's Implementation of the Law
 - Parental Involvement under NCLB, Title I, Section 1118
 - Parental Notifications under NCLB
 - Constitutionally Protected Prayer, Title IX, Section 9524



Parental Involvement

Title I, Section 1118



Definition

Parental Involvement

**Engaged participation
of parents of Title I students**

**in a consistent, organized and meaningful way
in the consultation, planning, implementing
and evaluating of programs and activities to
increase student achievement.**

Definition (continued)

Parental Involvement

Activities that
“improve student achievement and
school performance.”

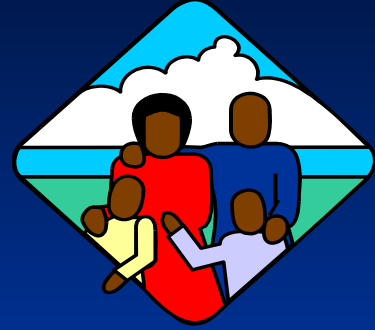


Title I Parental Involvement

- **Local school divisions receiving Title I funds must:**
 - **Develop a jointly agreed upon written policy which establishes the division's expectations for parental involvement**
 - **Ensure that each participating school develop a written policy that describes the means for carrying out the division's policy**
 - **Convene annual meeting**
 - **Conduct annual evaluation of parental involvement policy**
 - **Communicate a policy for promoting parental involvement in program implementation, school review, and development of improvement plans**

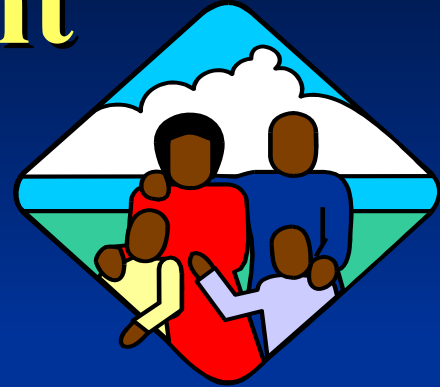
Title I Parental Involvement

(continued)



- **Local school divisions must ensure that Title I schools:**
 - **Hold at least one annual meeting for parents and offer flexible meeting times**
 - **Provide parents with information about the programs, a description and explanation of the curriculum, forms of academic assessment and, if requested, opportunities for regular meetings to discuss the education of their children**
 - **Develop a written school-parent compact that outlines the responsibilities of each party for improved student academic achievement**

Reservation of Funds for Parental Involvement



- **Local school divisions must ensure that Title I schools:**
 - Reserve at least one percent of the division's total Title I, Part A, allocation to carry out parental involvement activities for divisions receiving \$500,000 or more
 - Set aside at least 95 percent of the reserved funds to be distributed to participating schools

Title I

School-Parent Compact

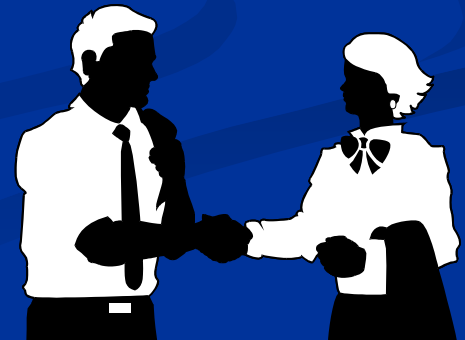
- **The School-Parent Compact describes:**
 - **School's responsibility to meet the state's student academic achievement standards**
 - **Ways in which parents will be responsible for supporting their children's learning**
 - **monitoring attendance, homework completion, and television watching**
 - **volunteering in their children's classrooms**
 - **participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time**

Title I

School-Parent Compact

(continued)

- **The School-Parent Compact addresses the importance of communication between teachers and parents on an ongoing basis through:**
 - **Parent/teacher conferences (discuss compact)**
 - **Frequent reports to parents on children's progress**
 - **Reasonable access to staff**
 - **Opportunities to volunteer/participate in children's classes**
 - **Observational classroom activities**



Parental Notifications

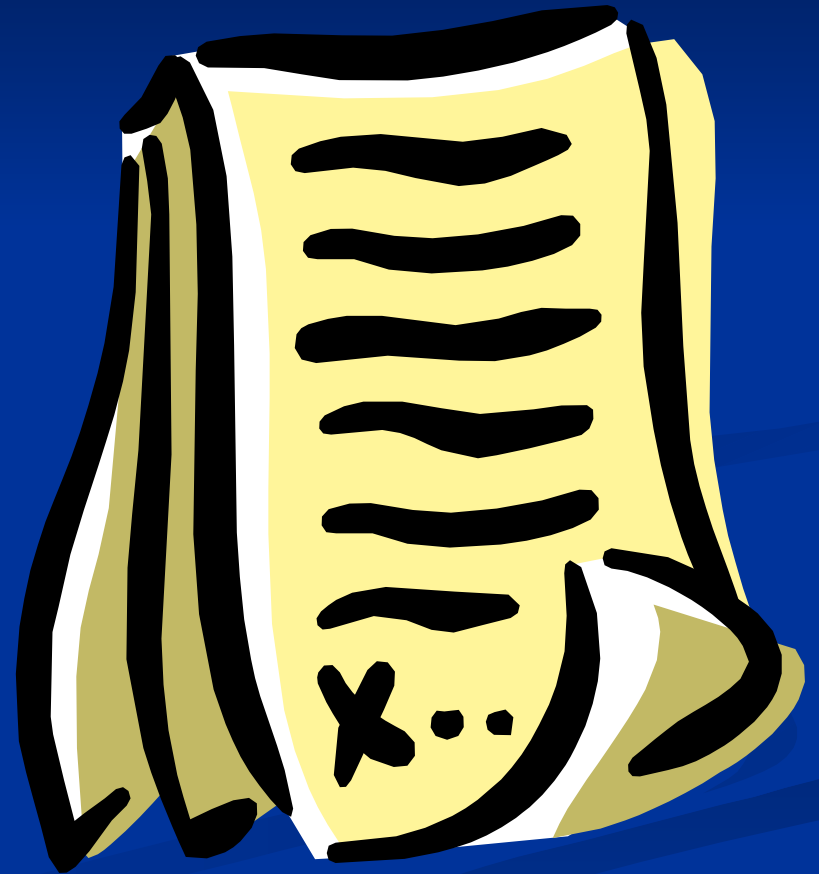
Under the

No Child Left Behind Act of 2001



Parental Notification: Waiver Request

A school division that requests the U.S. Secretary of Education to waive any provision of NCLB must provide notice and information about the waiver to the public in the manner in which it customarily provides public notice. (Title IX, Section 9401)



A Parent's "Right-to-Know"

Teacher Qualifications

Local school divisions receiving Title I funds must notify parents at the beginning of each school year that they may request and obtain information from the division about qualifications of staff instructing their children in Title I schools.



A Parent's “Right-to-Know” Teacher Qualifications

(continued)

- **Information must include:**
 - **Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas taught**
 - **Whether the teacher is teaching under emergency or other provisional status**
 - **The baccalaureate degree major of the teacher and any other graduate certification**
 - **Whether their children are provided services by paraprofessionals and, if so, their qualifications**

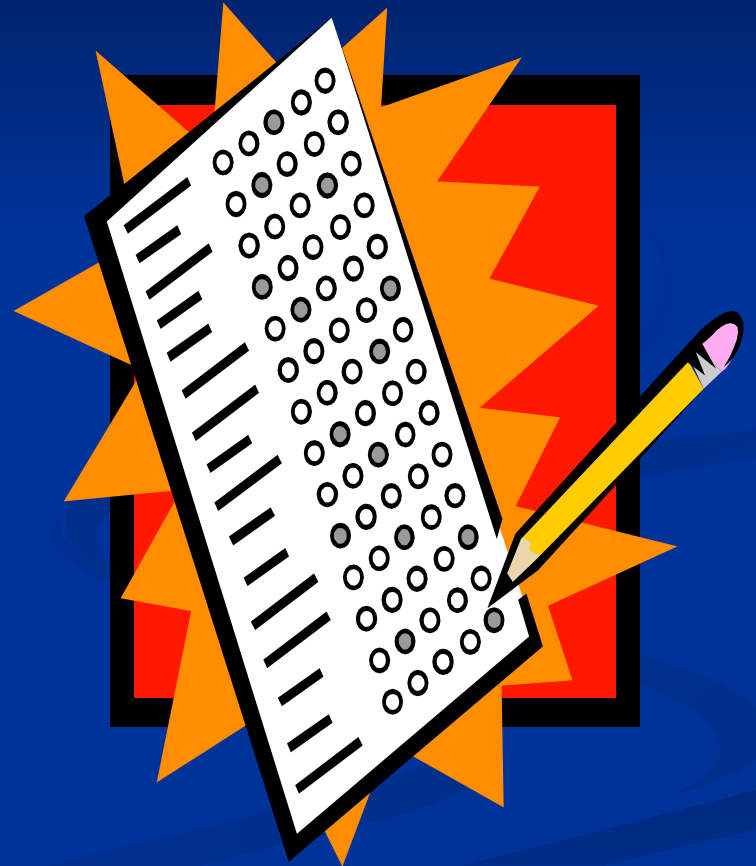
Parental Notification: Not “Highly Qualified”



The local school division must ensure that Title I schools give timely notice to parents that their children have been assigned or have been taught for four or more consecutive weeks by a teacher who is not highly qualified.

Parental Notification: Individual Student Achievement

The local school division must ensure that Title I schools provide parents with information on the achievement level of their children on the statewide assessments as soon as is practicably possible after tests are taken.



Parental Notification: LEP Programs

- Under Title I and Title III parental notification requirements, local school divisions must ensure that LEP parents are notified no later than 30 days after the beginning of each school year or within two weeks of placement in a language instruction educational program.
- LEP parents must be notified of:
 - The reason their child has been identified as LEP
 - Their child's level of English proficiency and how the level was assessed
 - Their child's academic level
 - The method of instruction that will be used
 - The program exit requirements
 - Their rights to remove child from program or refuse services



Parental Notification: National Assessment of Education Progress (NAEP)

- **The local school division must ensure that parents of students selected to participate in any NAEP assessment are notified before the assessment is administered.**
- **Parents must be notified that their children are not required to:**
 - **Participate (may be excused from participation for any reason)**
 - **Finish any assessment**
 - **Answer any test question**
- **The school division must make reasonable efforts to inform parents and the public about their right to access all assessment data (except personally identifiable information), questions, and current assessment instruments.**

Parental Notification: Homeless Students

- **Parental notification by the local school division must include:**
 - **Choices of schools that the homeless student is eligible to attend**
 - **Notice that no homeless student is required to attend a separate school for homeless students**
 - **Notice that homeless children must be provided transportation services, educational services, and meals through school meal programs**
 - **Contact information for the local homeless liaison**

(Additional information can be found in Title X, Part C, Section 721.)

Student Privacy: Parent Notification Policies

- **Local school divisions must have policies in place that guarantee a parent's right to:**
 - **Inspect third party surveys before they are distributed to students**
 - **Inspect any instructional materials**
 - **Inspect any instrument used to collect personal information before it is distributed to students**
 - **Protect student privacy when surveys ask for certain sensitive information**
 - **Know of physical examinations or screening of students**
 - **Know of the collection, disclosure or use of personal information from students for the purpose of marketing or selling that information**



Constitutionally Protected Prayer

Title IX, Section 9524



Constitutionally Protected Prayer

- As a condition of receiving funding under No Child Left Behind, school divisions must annually certify to the state that they have no policies that would prevent or deny participation in constitutionally protected prayer.
- Written certification must be provided to the state by October 1 of each year.
 - A constitutionally protected prayer assurance for superintendent and local school board chairperson's signature can be found among the assurances in the local consolidated or individual applications for federal funds.

Contact Information



Shady Clark, Jr.

Division of Instruction

Office of Program Administration and
Accountability

Virginia Department of Education

Phone: 804-225-2901 Fax: 804-371-7347

E-mail: sclark@mail.vak12ed.edu

Today's Discussion

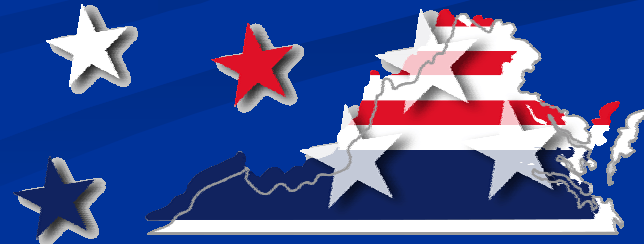
Part II

No Child Left Behind and
Virginia's Implementation of the Law

School Improvement
under Title I, Section 1116

Focus:

Public School Choice
and Supplemental Educational Services



AYP

Annual Measurable Objectives

Reading /Language Arts: Percent Pass

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Start Point												
60.7	61.0	61.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	100

AYP

Annual Measurable Objectives

Mathematics: Percent Pass

2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009	2009- 2010	2010- 2011	2011- 2012	2012- 2013	2013- 2014
Start Point												
58.4	59.0	59.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	100

AYP

Annual Measurable Objectives


Attendance: ADA Percent

2001- 2002	2002- 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008	2008- 2009	2009- 2010	2010- 2011	2011- 2012	2012- 2013	2013- 2014
Start Point												
93.4	94.0	94.0	94.0	94.0	94.0	95.0	95.0	95.0	96.0	96.0	96.0	Goal: 97.0%

AYP

Annual Measurable Objectives

Graduation Rate: Percents



2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Start Point												
57.1	57.1	57.1	57.1	57.1	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Goal TBD

The definition of graduation rate and the state target will be used until a student record system is instituted (estimated to be within three to five years), which will provide a more accurate accounting of the graduation rate in Virginia.

Adequate Yearly Progress

(continued)

■ Objectives must be met by all of the following subgroups of students:

- Students with disabilities
- Economically disadvantaged students
- Limited English proficient students
- Major racial/ethnic groups
 - Black (not of Hispanic origin), White (not of Hispanic origin), Hispanic



Adequate Yearly Progress

(continued)

In addition to the subgroups, AYP is calculated for the school, the division, and the state .



AYP: Making Valid and Reliable Determinations

- *Minimum “n”* for statistically valid and reliable AYP calculation determinations is 50 students.
- AYP will not be calculated for subgroups with fewer than 50 students.
- AYP ratings for schools with fewer than 50 students tested (called “small n schools”) will be determined through a “body of evidence” designated by the school.



“Making AYP”

First Way to Make AYP

- At least 95 percent of enrolled students participate in testing program (all students and by subgroup) AND

- All students and all subgroups score at least proficient in English/language arts and mathematics statewide assessments, at levels specified by annual measurable objective AND

- The school/LEA meets annual measurable objective for graduation or attendance or makes progress
OR ...



“Making AYP”

Second Way to Make AYP: Safe Harbor

- At least 95 percent of students enrolled participate in statewide testing (all students and subgroup) AND

 - Percentage of students [all or in subgroup(s)] not scoring at least proficient in English/language arts or mathematics, as appropriate, decreases by at least ten percent AND

 - *Students [all or in subgroup(s)] meet or make progress in other academic indicator (2002-2003, attendance; 2002-2003 to 2005-2006, graduation rate).
-
- **The USED has approved Virginia's use of science as an “other academic indicator” for “safe harbor,” as attendance and graduation rates cannot be disaggregated at this time.*

Entering School Improvement



School Improvement Process

Local school divisions must:

- **Identify for School Improvement Title I schools not making AYP for two consecutive years in the same subject area (all students and subgroups and by 95% participation)**
- **Notify schools and parents prior to the beginning of school**
- **Implement sanctions for schools and divisions that do not make adequate yearly progress for two consecutive years in the same subject area.**
 - **Sanctions increase in number and severity with each year of designation.**
 - **LEA must provide technical assistance in the areas of data analysis, professional development, use of funds, selecting instructional methods, and use of scientifically-based research.**
 - **All other schools will be subject to sanctions outlined by the state.**
 - **The state's current system of sanctions and rewards will be expanded to include school divisions.**

Title I

School Improvement Schools

■ Year Two Title I School Improvement Status:

- Title I schools transitioned from the previous Title I legislation (*Accredited with Warning* 1999-2000 and 2000-2001 in English and/or mathematics based on SOL tests)
- 2002-2003 AYP data applied

■ Year One Title I School Improvement Status:

- Title I schools that failed to make AYP for two consecutive years in the same subject area based on an *Accredited with Warning* status derived from the 2001-2002 SOL data and from the 2002-2003 AYP determinations

Title I School Improvement Schools: 2003-2004 Status

Year One

Title I School Improvement Status:

**20 Year One Title I Schools Offering
Public School Choice**

Year Two

Title I School Improvement Status:

**23 Year Two Title I Schools Offering Both Public
School Choice and
Supplemental Educational Services**

School Improvement Sanctions

Public School Choice

for Title I Schools in First-Year School Improvement

- The local school division must:
 - Communicate to parents the public school choice option
 - Offer the public school choice option no later than the first day of the school year following school improvement identification and
 - Give priority to the lowest performing students in the highest poverty schools to transfer to another public school not in school improvement served by the LEA
 - Allow transfer students to remain at receiver school until highest grade is completed

School Improvement Sanctions

(continued)

Public School Choice

for Title I Schools in First-Year School Improvement

- The local school division must:
- Provide transportation
 - Reserve an amount equal to 20 percent of Title I, Part A, allocation for public school choice and supplemental educational services--5% public school choice; 5% supplemental educational services; 10% either, as needed
- Establish cooperative agreements, if possible, with other school divisions if there are no viable transfer options for students within the division

(If the school is no longer identified for School Improvement, it is no longer obligated to provide public school choice.)

Frequently Asked Questions

<http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.doc>

- Which schools must be offered to students as transfer options?
- May specialty schools, such as schools for the performing arts, be offered to students as transfer options?
- Is an LEA permitted to limit the choices available to students?
- How is the final decision made in selecting the school to which students will transfer?
- Must students with disabilities be offered their choice of the same schools as students who are not disabled students?



Additional School Improvement Sanctions

For Title I Schools in First-Year School Improvement

- The local school division must ensure that the school develops a school plan that:
 - Covers a **two-year period** and be implemented expeditiously
 - **Describes the use of a ten percent Title I set-aside for high-quality professional development**
 - Involves parents, school/division staff, and outside experts
 - Incorporates **scientifically-based strategies** that may include a comprehensive school reform model
 - Include technical assistance to be **provided by the division**



Additional Sanctions

(continued)

For Title I Schools in First-Year School Improvement

- The local school division must ensure that the school develop a school plan that must:
 - **Adopt policies and practices** concerning the school's core academic subjects that have the greatest likelihood of raising student achievement
 - Establish **annual measurable objectives** to ensure that each subgroup will reach 100 percent proficiency
 - Incorporate, as appropriate, **extended day/year instruction**
 - Incorporate a **teacher mentoring program**
 - Receive a review by the LEA within 45 days



Additional Sanctions

(continued)

Supplemental Educational Services

for Title I Schools in Second-Year School Improvement

- **The local school division must offer supplemental educational services to eligible (low-income) students.**
- **The local school division must:**
 - **Develop a fair and equitable student selection process**
 - **Include tutoring, remediation, and academic services that take place outside of the school day**
 - **Use provider list approved by the Board of Education**
 - **Send annual notice to parents regarding available services and providers**



Additional Sanctions

(continued)

Supplemental Educational Services

for Title I Schools in Second-Year School Improvement

- **Local school division must:**
 - Provide assistance to help parents select provider, if requested
 - Reserve an amount equal to 20 percent of Title I, Part A allocation for public school choice and supplemental educational services--5% public school choice; 5% supplemental educational services; 10% either, as needed
 - Enter into a service agreement, upon parent selection, according to agreement components in the law
- **Local school divisions must:**
 - Continue to offer public school choice
 - Ensure the revision of the school plan

Frequently Asked Questions

[http://www.pen.k12.va.us/](http://www.pen.k12.va.us/VDOE/nclb/USDOE_SupplementalSrvcs.pdf)

[VDOE/nclb/USDOE_SupplementalSrvcs.pdf](http://www.pen.k12.va.us/VDOE/nclb/USDOE_SupplementalSrvcs.pdf)

- What criteria must a supplemental educational services provider meet before being recommended to the Board of Education-approved list?
 - Prospective providers must demonstrate:
 - Evidence of Program Effectiveness
 - Evidence of Links Between Research and Program Design
 - Connection to State Academic Standards
 - Ability to Monitor Student Progress
 - Plan for Communication with the School and Division
 - Plan for Communication with Parents
 - Qualifications of Instructional Staff
 - Financial and Organizational Capacity
 - Compliance with Federal, State, and Local Health and Safety Standards
 - Compliance with Federal, State, and Local Civil Rights Protections

Frequently Asked Questions

[http://www.pen.k12.va.us/
VDOE/nclb/USDOE SupplementalSrvcs.pdf](http://www.pen.k12.va.us/VDOE/nclb/USDOE_SupplementalSrvcs.pdf)

- What must the notice to parents contain?
 - The notice must:
 - Identify each provider available to the LEA, its general geographic location, or whether it is Web-based (distance learning)
 - Describe the services, qualifications, and evidence of effectiveness of each provider
 - Describe the procedures and time lines that parents must follow in selecting a provider to serve their child
 - Be in a format (including alternate formats, if required) and in a language that parents can understand

Frequently Asked Questions

<http://www.pen.k12.va.us/>

[VDOE/nclb/USDOE SupplementalSrvcs.pdf](#)

- Who is eligible to receive supplemental educational services?
 - In a targeted assistance school, does eligibility depend on whether the student is receiving Title I services?
 - If funds are insufficient to serve all eligible students, how must an LEA determine which students will receive services?
- May the LEA supply a list of the eligible students to providers for them to contact?
- Once a parent has chosen a provider for the approved list, may the LEA disclose information from the student's educational records to the chosen provider?
- May parents select any provider that appears on the approved list?
 - Can a division exclude a provider from the board-approved list?
- What amount must an LEA spend for each student receiving supplemental educational services?
 - Must an LEA spend the maximum amount?
- May an LEA count administrative cost in the required 20 percent set aside for choice and supplemental educational services related services?

Frequently Asked Questions

[http://www.pen.k12.va.us/
VDOE/nclb/USDOE SupplementalSrvcs.pdf](http://www.pen.k12.va.us/VDOE/nclb/USDOE_SupplementalSrvcs.pdf)

- **What are the NCLB requirements of the SES contract between the school division and the provider selected by the parent?**
 - specific student achievement goals focusing on an alignment of the individual student plan with the Virginia Standards of Learning, division curriculum, and daily instruction
 - method of measuring student progress
 - timetable for improvements
 - method of informing parents and appropriate division and school staff on the progress of the student
 - method of termination of agreement if the provider is unable to meet goals/timetables
 - provider payment provisions
 - privacy of student clause



Additional Sanctions

(continued)

Corrective Action

for Title I Schools in Third-Year School Improvement

- **Local school division must select at least one:**
 - Replace school staff relevant to the failure
 - Institute and implement a new curriculum
 - Significantly decrease management authority in the school
 - Appoint outside experts to advise the school
 - Extend school year or school day
 - Restructure internal organization of the school
- **Local school divisions must:**
 - Continue to offer public school choice and supplemental educational services
 - Ensure the revision of the school plan



Additional Sanctions

(continued)

Alternative Governance Warning

for Title I Schools in Fourth-Year School Improvement

- **Local school division must:**
 - Continue to offer public school choice
 - Continue to provide supplemental educational services
 - Continue selected corrective actions
 - Prepare a plan, and make necessary arrangements to carry out alternative governance



Additional Sanctions

(continued)

Restructuring

for Title I Schools in Fifth-Year School Improvement

- **Local school division must implement alternative governance by selecting one of the following:**
 - Reopen the school as a charter school
 - Replace all or most of school staff relevant to failure to make adequate yearly progress
 - Contract with outside entity to operate school
 - Institute other significant governance and staffing changes that will likely impact what is causing the school to remain in school improvement

Sanctions for Non-Title I Schools

- **School divisions that have non-Title I schools that do not make AYP for two consecutive years in the same subject area must ensure that schools:**
 - Analyze relevant data
 - Develop or revise the school improvement plan (to be approved by the LEA) to include strategies/uses of resources that address the area(s) of need, consistent with guidelines determined by the local school division
- **School divisions that have non-Title I schools that do not make AYP for subsequent consecutive years in the same area must ensure that schools:**
 - Continue to analyze data and revise the school plan
 - Take additional corrective actions specified by the local school division

Exiting Title I School Improvement

If a Title I school identified for improvement, corrective action, or restructuring makes AYP for two consecutive years, the school is no longer subject to improvement sanctions.

(Non-Title I schools would also no longer be subject to specified improvement sanctions.)

Identification of School Divisions for LEA Improvement

School divisions are identified for improvement if they do not making AYP for 2 consecutive years in same area based upon *ALL* schools' performances.



Sanctions Immediately Following Identification

- **The local school division, if identified by the state for LEA Improvement, must:**
 - **Develop or revise within three months a divisionwide plan in consultation with parents, school staff, and others--**
 - **Implement plan expeditiously or not later than the beginning of the second school year following identification**
 - **Receive technical assistance from the state**

Rewards for Success: We Already Allow For ...



- Public announcements
- Tangible rewards
- Waivers of certain Board regulations for up to three years
- Exemptions from certain reporting requirements
- Governor's Award for Outstanding Improvement (through 2003-04)
 - Warned to Fully Accredited
 - Exceed improvement levels >10% in one year

Rewards: NCLB ...

- **Requires System for Rewarding Schools**
 - Significantly close achievement gaps
 - Exceed AYP targets for 2 consecutive years
- **Requires Designation of “Distinguished Schools”**
 - Highest achievers of above
 - Serve as models
- **Allows for Awards to Teachers**
- **Allows for Awards to Principals**



Contact Information



Brenda A. Spencer

Division of Instruction

Office of Program Administration and
Accountability

Virginia Department of Education

Phone: 804-371-6201 Fax: 804-371-7347

E-mail: bspencer@mail.vak12ed.edu